

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VICTOR ALVAREZ GARCIA and MARTIN
MAGALLON DEL RIO,

Plaintiffs

v.

BERKSHIRE NURSERY & SUPPLY CORP., ROSA
CONTRACTING INC., ROSA CONTRACTING &
CONSTRUCTION INC., ROSA LAND TECH
DESIGN INC., and JESUS FLORES,

Defendants.

Case No. 7:22-cv-08776-CS

PROPOSED JUDGMENT

WHEREAS, Plaintiffs Victor Alvarez Garcia and Martin Magallon Del Rio ("Plaintiffs") commenced this action on October 14, 2022; and

WHEREAS, on May 20, 2024, this Court approved a settlement agreement in which Defendants Berkshire Nursery & Supply Corp., Rosa Contracting Inc., Rosa Contracting & Construction Inc., Rosa Land Tech Design Inc., and Jesus Flores agreed to pay \$120,000 in resolution of the matter, to be paid \$40,000 to Victor Alvarez Garcia, \$40,000 to Martin Magallon Del Rio, and \$40,000 to Plaintiffs' counsel Worker Justice Center of New York; and

WHEREAS, Defendants have breached the settlement agreement by failing to make timely payments as contemplated by the agreement, having paid only \$22,750 to Victor Alvarez Garcia, \$22,750 to Martin Magallon Del Rio, and \$22,000 to Worker Justice Center of New York; and

WHEREAS, Defendants have confessed judgment in favor of Plaintiffs in the amount of \$120,000 less payments made.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that judgment is entered in favor of Plaintiff Victor Alvarez Garcia against Defendants, jointly and severally, in

the amount of \$17,250;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that judgment is entered in favor of Plaintiff Martin Magallon Del Rio against Defendants, jointly and severally, in the amount of \$17,250; and

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that judgment is entered in favor of Worker Justice Center of New York against Defendants, jointly and severally, in the amount of \$18,000.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that post-judgment interest shall accrue at the statutory rate provided for in 28 U.S.C. § 1961, running from the date of entry of this Judgment;

Dated:

2/6/25

SO ORDERED:

Cathy Seibel

CATHY SEIBEL, U.S.D.J.

The Clerk shall terminate ECF No. 61.

and it is further ORDERED that Defendants shall pay \$3925 to Plaintiffs' counsel for reasonable fees incurred in enforcing the Settlement Agreement.